

February 5, 2014

STATEMENT OF PROCEEDINGS

The Minutes of the

***BOARD OF SUPERVISORS
REGULAR MEETING
PLANNING AND LAND USE MATTERS***

COUNTY OF SAN DIEGO

STATEMENT OF PROCEEDINGS
COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
REGULAR MEETING
MEETING AGENDA
WEDNESDAY, FEBRUARY 05, 2014, 09:00 A.M.
BOARD OF SUPERVISORS NORTH CHAMBER
1600 PACIFIC HIGHWAY, ROOM 310, SAN DIEGO, CALIFORNIA

REGULAR SESSION – Regular Meeting was called to order at 9:03 a.m.

Present: Supervisors Dianne Jacob, Chairwoman; Bill Horn, Vice Chairman; Greg Cox; Dave Roberts; Ron Roberts; also David C. Hall, Assistant Clerk of the Board.

Public Communication: [No Speakers]

NOTICE: THE BOARD OF SUPERVISORS MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY COUNTY STAFF DO NOT LIMIT ACTIONS THAT THE BOARD OF SUPERVISORS MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS IN THE BOARD LETTER AS DETERMINATIVE OF THE ACTION THE BOARD OF SUPERVISORS MAY TAKE ON A PARTICULAR MATTER.

Board of Supervisors' Agenda Items

Agenda # Subject

1. NOTICED PUBLIC HEARING:
 ADJUSTMENT OF PARK USER FEES
2. AN ORDINANCE ADDING SECTION 85.419 TO THE SAN DIEGO COUNTY
 CODE OF REGULATORY ORDINANCES RELATING TO THE TRAINING OF
 FOREIGN FLIGHT STUDENTS AT COUNTY AIRPORTS (02/05/2014 – FIRST
 READING; 02/26/2014 SECOND READING)
 [FUNDING SOURCE(S): AIRPORT ENTERPRISE FUND]
3. SET HEARING FOR 02/26/2014:
 HIDDEN VALLEY ESTATES OPEN SPACE EASEMENT VACATION; JAMUL-
 DULZURA SUBREGIONAL PLANNING AREA (02/05/2014 – SET HEARING;
 02/26/2014 – HOLD HEARING)
4. NOTICED PUBLIC HEARING:
 SALE OF SURPLUS REAL PROPERTY - 0.23 ACRES NEAR HARNESS
 STREET AND SWEETWATER ROAD, SPRING VALLEY (01/08/2014 -
 SURPLUS DECLARATION/RESOLUTION OF INTENT TO SELL; 02/05/2014 -
 BID OPENING) (COUNTY PARCEL NUMBER 2013-0072-A) AND
 WASHINGTON AND GRUTLY STREETS, SANTA YSABEL, (01/08/2014 -
 SURPLUS DECLARATION) (COUNTY PARCEL NUMBER 2013-0226-A)

5. ADOPT RESOLUTIONS AUTHORIZING APPLICATIONS FOR STATE FUNDING FOR RECYCLING, CLEANUP AND RESOURCE MANAGEMENT PROGRAMS
[FUNDING SOURCE(S): STATE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE) GRANT]

1. **SUBJECT: NOTICED PUBLIC HEARING:
ADJUSTMENT OF PARK USER FEES (DISTRICTS: ALL)**

OVERVIEW:

The Department of Parks and Recreation (DPR) promotes health and wellness, safe communities, and sustainable environments throughout San Diego county by providing opportunities for high quality parks and recreation experiences and preserving regionally significant natural and cultural resources. The County's award-winning park system includes local and regional parks, campgrounds, nature preserves, trails, historic parks and sports facilities. DPR operates and manages more than 45,000 acres of parkland and 8 historic park sites that foster an appreciation of nature and history. Park facilities are open year-round and departmental programs enrich the lives of all patrons with a special focus for families, seniors, people with disabilities and at-risk youth.

DPR charges user fees for camping, day use facilities, programs, and special events. These fees are used to operate and maintain park facilities and programs. The current fee ranges were approved by the Board on November 19, 2008 (1). Since that time, some fees have been increased incrementally within the approved fee ranges for various services.

Today's request is to amend Board of Supervisors Policy G-6, User Fees, County Parks and Recreation Facilities and adopt a Resolution approving the proposed DPR user fee ranges in accordance with Board of Supervisors Policy G-6. If approved, the new ranges will allow DPR to adjust fees in the future in response to escalating costs and market demand.

FISCAL IMPACT:

There is no fiscal impact associated with today's request to adopt a resolution approving the Department of Parks and Recreation fees. Individual fee increases are not proposed for this fiscal year but will be included in future Operational Plans when appropriate. However, the current or proposed future user fees will not result in full cost recovery therefore a waiver of B-29, Fees, Grants, revenue Contracts – Department Responsibility for Cost Recovery is being requested. There will be no change in net General Fund costs and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15273(a).
2. Waive Board Policy B-29, Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery.
3. Amend Board of Supervisors Policy G-6, User Fees, County Parks and Recreation Facilities.

4. Adopt the Resolution entitled:

RESOLUTION OF SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING REVISED FEES FOR THE DEPARTMENT OF PARKS AND RECREATION EFFECTIVE MARCH 5, 2014.

ACTION:

Noting for the record that an Errata sheet was submitted revising Attachment F to reflect correct fee ranges in the Additional Community Buildings & Facilities Fees section, ON MOTION of Supervisor Cox, seconded by Supervisor R. Roberts, the Board closed the Hearing and took action as recommended, on Consent, adopting Resolution No. 14-018, entitled: RESOLUTION OF SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING REVISED FEES FOR THE DEPARTMENT OF PARKS AND RECREATION EFFECTIVE MARCH 5, 2014.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

2. **SUBJECT: AN ORDINANCE ADDING SECTION 85.419 TO THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO THE TRAINING OF FOREIGN FLIGHT STUDENTS AT COUNTY AIRPORTS (02/05/2014 – FIRST READING; 02/26/2014 - SECOND READING) (DISTRICTS: 2 & 5)**

OVERVIEW:

In July 2012, the United States Government Accountability Office reported concerns with some elements of the screening and vetting procedures for foreign flight students and the coordination between the federal agencies responsible for such screening and vetting.

On September 11, 2012 (8), the Board of Supervisors directed staff to draft an ordinance that would require flight schools and independent flight instructors based at a County airport to comply with all foreign flight student screening and vetting requirements, including the Alien Flight Student Program and the Student and Exchange Visitors Program. In response to this action, proposed is an ordinance that would require flight schools and independent flight instructors based at County airports who train foreign pilots to annually certify they are abiding by all applicable foreign flight student screening, vetting and/or monitoring requirements. The proposed ordinance would also assist in raising and maintaining awareness of rules and regulations pertaining to foreign flight student screening and vetting by fostering additional contact between County staff and airport users engaged in flight training. Such contacts could be used to assist federal agencies with outreach, fact finding and federal enforcement. Enforcement provisions already contained in the County Code of Regulatory Ordinances would apply to a violation of the proposed ordinance, including warnings and citations at the administrative level, up to the denial of use of the airport, an action that would be brought before the Board of Supervisors.

Today's recommended actions require two steps, the first of which is the introduction of the ordinance relating to the training of foreign flight students at County Airports. If on February 5, 2014, the Board takes the recommended action, on February 26, 2014, it would consider adopting the ordinance.

FISCAL IMPACT:

Funds for this request are included in the Fiscal Year 2013-14 Operational Plan for the Airport Enterprise Fund. If approved, this request will result in estimated annual costs of \$5,000 in staff time. The funding source is the Airport Enterprise Fund. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

Approve the introduction of the Ordinance (first reading), read title and waive further reading:

AN ORDINANCE ADDING SECTION 85.419 TO THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO THE TRAINING OF FOREIGN FLIGHT STUDENTS AT COUNTY AIRPORTS.

If, on February 5, 2014, the Board takes the recommended action, then on February 26, 2014:

1. Find that the proposed project is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15060 (c) (3) because the activity is not a project as defined by Section 15378 of the state CEQA Guidelines.
2. Consider and adopt the Ordinance entitled: AN ORDINANCE ADDING SECTION 85.419 TO THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO THE TRAINING OF FOREIGN FLIGHT STUDENTS AT COUNTY AIRPORTS.

ACTION:

ON MOTION of Supervisor Jacob, Seconded by Supervisor Cox, the Board took action as recommend, introducing the Ordinance for further Board consideration and adoption on February 26, 2014, and directed the Chief Administrative Officer to take the following additional actions:

- Report back to the Board in one year for an evaluation of the Ordinance and any results from advocacy efforts; and
- Add language to the annual certification document indicating that the signer is executing the document to the best of their knowledge; and

- Increase federal advocacy efforts; and
- Facilitate increased training and outreach efforts with the Transportation Security Administration (TSA), Immigrations and Custom Enforcement(ICE), Federal Aviation Administration (FAA) and others; and
- Share the steps that San Diego is taking with California State Association of Counties (CSAC) and National Association of Counties (NACo).

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

3. **SUBJECT: SET HEARING FOR 02/26/2014:
HIDDEN VALLEY ESTATES OPEN SPACE EASEMENT
VACATION; JAMUL-DULZURA SUBREGIONAL
PLANNING AREA (02/05/2014 – SET HEARING; 02/26/2014 –
HOLD HEARING) (DISTRICT: 2)**

OVERVIEW:

Application date: November 15, 2013

This is a request for the Board of Supervisors to consider the vacation of two biological open space easements pursuant to Board Policy I-103 Open Space Easement Vacations and the Streets and Highways Code. The two biological open space easements requested to be vacated by the applicant were recorded in association with the Hidden Valley Estates Tentative Map (TM 4761) which was approved in 1992. A Final Map associated with this project was never recorded, and the Tentative Map has since expired. Therefore, the easements are no longer required to mitigate impacts related to the Tentative Map under the California Environmental Quality Act (CEQA). In 2012, the U.S. Fish and Wildlife Service purchased the land for inclusion into the San Diego National Wildlife Refuge. As such, the proposed use of the land is consistent with conservation purposes. However, due to federal land acquisition regulations, the U.S. Fish and Wildlife Service must remove encumbrances, such as open space easements, that could limit the federal government's future use of the acquired land. The case number for this project is: PDS2013-VAC-13-004.

The easements to be vacated total approximately 960 acres in size and are located south of SR-94 and east of Millar Ranch Road, within the Jamul-Dulzura Subregional Plan area (Thomas Bros. Map Page 1292, B/2).

Today's request requires two steps: On February 5, 2014, it is requested that the Board set a date for a public hearing on February 26, 2014 and provide public notice of that hearing. If the Board takes the actions recommended for February 5, 2014, then on February 26, 2014, it is requested that the Board consider and adopt a resolution to vacate the referenced easements and record the resolution of vacation.

FISCAL IMPACT:

N/A

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES

On February 5, 2014:

1. Set a public hearing date on February 26, 2014 at 9:00 a.m. to consider vacating two biological open space easements totaling approximately 960 acres as detailed in Attachment G.
2. Direct the Clerk of the Board of Supervisors to provide notice of the hearing via publication and posting as required by law.

If on February 5, 2014 the Board takes the actions recommended in items 1-2, then on February 26, 2014:

1. Adopt the environmental findings included in Attachment D.
2. Adopt the resolution entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO VACATING PUBLIC SERVICE EASEMENT PDS2013-VAC-13-004. (Attachment C).
3. Direct the Clerk of the Board to record this resolution pursuant to the Streets and Highways Code Section 8325.

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor R. Roberts, the Board took action as recommended, setting a Hearing for February 26, 2014.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

4. **SUBJECT: NOTICED PUBLIC HEARING:**
SALE OF SURPLUS REAL PROPERTY - 0.23 ACRES NEAR HARNESS STREET AND SWEETWATER ROAD, SPRING VALLEY (01/08/2014 - SURPLUS DECLARATION/ RESOLUTION OF INTENT TO SELL; 02/05/2014 - BID OPENING) (COUNTY PARCEL NUMBER 2013-0072-A) AND WASHINGTON AND GRUTLY STREETS, SANTA YSABEL (01/08/2014 - SURPLUS DECLARATION) (COUNTY PARCEL NUMBER 2013-0226-A) (DISTRICT: 2)

OVERVIEW:

On January 8, 2014 (3), the Board set a bid opening date to be February 5, 2014.

The County of San Diego owns 0.23 acres of land located near Harness Street and Sweetwater Road in the unincorporated community of Spring Valley. The property is identified as County Parcel Number 2013-0072-A and was acquired from the California Transportation Commission as a result of the rerouting of Sweetwater Road during the construction of State Route 125. On

February 3, 2005, the California Transportation Commission relinquished collateral facilities for the State Route 125 project and the County agreed to accept title to the property to maintain the frontage road landscape. This vacant land is now considered to be surplus to the County's needs.

The County of San Diego also owns 1.38 acres of land improved with a 3,000 square foot barn at Washington and Grutly Streets in the unincorporated community of Santa Ysabel. The property is identified as County Parcel Number 2013-0226-A and was originally acquired in 1916 by the County's Road Department and was then transferred to the Department of Agriculture, Weights and Measures. A barn located on the property was used by Agriculture, Weights and Measures to store pesticides from the 1930s to 1992. The property was then leased to the Intermountain Fire and Rescue Department from 1992 to 2002. The property is now vacant and considered to be surplus to the County's needs.

Today's request regarding County Parcel Number 2013-0072-A requires two steps. On January 8, 2014, the Board will consider 1) declaring the County Parcel 2013-0072-A surplus to County needs, 2) directing the Clerk of the Board to advertise the County's intent to sell County Parcel 2013-0072-A, and 3) adopting a Resolution declaring its intention to sell the property. If the Board takes the actions recommended on January 8, 2014, then on February 5, 2014, after making necessary environmental findings, the Board of Supervisors is requested to conduct a bid opening and approve the sale of the parcel to the highest bidder. The minimum bid for County Parcel 2013-0072-A is \$35,000.

Today's request regarding County Parcel 2013-0226-A is to declare the property surplus to the County's needs. The County received an offer from a qualified local governmental agency as part of the County's distribution process before the property was made available to the general public, thereby allowing for a sale once the property is declared surplus without having to conduct an auction.

FISCAL IMPACT:

Funds for this request are not included in the Fiscal Year 2013-14 Operational Plan for the Department of Public Works, Road Fund or the General Fund. If the sale of the properties is approved, this request will result in one-time revenue of at least \$35,000 (the minimum bid) for the sale of the County Parcel 2013-0072-A and \$24,900 for County Parcel 2013-0226-A. The proceeds from the sale of these properties will be deposited to the Department of Public Works, Road Fund (County Parcel 2013-0072-A) and the General Fund (County Parcel 2013-0226-A). Transaction costs for the Department of General Services – Real Estate Services Division are estimated to be \$10,000 per transaction. The transaction costs will be reimbursed from the proceeds from the sale of both properties by the above respective funds. There will be no additional staff years.

BUSINESS IMPACT STATEMENT:

If these sales are completed, the sale of the Harness Street property may generate minor business activity if the site is approved for the construction of a new single family residence, and the sale of the Santa Ysabel property will serve the community and region if the barn is used as a new museum site and special event venue.

RECOMMENDATION:**CHIEF ADMINISTRATIVE OFFICER**

1. Find, in accordance with Section 15312 of the CEQA Guidelines, that the sale of County Parcel 2013-0072-A is categorically exempt from the provisions of CEQA as it is a sale of surplus government property.
2. Conduct the bid opening and approve the sale of County Parcel 2013-0072-A to the highest bidder.
3. Authorize the Director, Department of General Services, to perform all necessary actions to complete the sale of County Parcel 2013-0072-A, including the execution of the escrow instructions and a Grant Deed.
4. Authorize the Auditor and Controller, to deposit all proceeds of the sale of County Parcel 2013-0072-A, net of transaction costs, into the Department of Public Works, Road Fund.

ACTION:

ON MOTION of Supervisor R. Roberts, seconded by Supervisor Cox, the Board of Supervisors conducted the bid opening for the sale of County Parcel 2013-0072-A, closed the Hearing and took action as recommended, accepting the bid from Abdulmagid Elghraoui in the amount of \$35,000.00.

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

5. **SUBJECT: ADOPT RESOLUTIONS AUTHORIZING APPLICATIONS FOR STATE FUNDING FOR RECYCLING, CLEANUP AND RESOURCE MANAGEMENT PROGRAMS (DISTRICTS: ALL)**

OVERVIEW:

The State Department of Resources Recycling and Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board, is a department within the California Natural Resources Agency. CalRecycle offers funding opportunities authorized by legislation to assist public and private entities in the safe and effective management of the waste stream. Public Resources Code (PRC) §§ 48690 et seq. related to local used oil recycling programs and other state laws, authorize CalRecycle to make payments and grants to qualifying jurisdictions for implementation of recycling programs.

The Department of Public Works (DPW) received authority on February 24, 2010 (7) and April 28, 2010 (8), to apply for and administer CalRecycle grants in five-year increments through Fiscal Year 2013-14. Two grant programs are currently open for new funding cycles for Fiscal Years 2014-15 and 2015-16. CalRecycle requires each applying jurisdiction to submit a resolution from its governing body that allows for the application and administration of recycling, cleanup and resource management programs and a separate resolution when a jurisdiction applies for grants as part of a regional grant application.

This is a request to adopt two Resolutions authorizing applications for state funding from CalRecycle that will allow DPW to apply for the two grant programs currently open, and will also allow DPW to apply for and administer funding and program management for all CalRecycle grants for which the County is eligible for another five year increment through Fiscal Year 2018-19.

FISCAL IMPACT:

There is no fiscal impact associated with the approval of today's Resolutions authorizing applications for State funding from CalRecycle. If awarded, funds from the recycling, cleanup and resource management grants will be budgeted in the Department of Public Works, Solid Waste and Recycling Fund in future Operational Plans. If approved and awarded, funds for the regional used oil competitive grant would be received and expended by the City of Chula Vista on behalf of the regional group, including the County of San Diego. The funding source is the State Department of Resources Recycling and Recovery (CalRecycle) grant. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER

1. Find in accordance with Section 15061(b)(3) of the State of California Environmental Quality Act (CEQA) Guidelines that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and that it is therefore exempt from CEQA review.
2. Adopt the Resolution entitled: RESOLUTION AUTHORIZING APPLICATIONS FOR STATE FUNDING FOR RECYCLING, CLEANUP AND RESOURCE MANAGEMENT GRANTS (Multi-Year Resolution).
3. Adopt the Resolution entitled: RESOLUTION AUTHORIZING SUBMITTAL OF REGIONAL GRANT APPLICATIONS FOR THE USED OIL COMPETITIVE GRANT PROGRAM (Multi-Year Resolution).

4. Authorize the Director, Department of Public Works, or his designee, as agent of the County to conduct all negotiations, execute and submit all documents including, but not limited to, applications, contracts, payment requests, agreements and amendments, which may be necessary to secure and manage the use of program funds.

ACTION:

ON MOTION of Supervisor Cox, seconded by Supervisor R. Roberts, the Board took action as recommended, on Consent, adopting Resolution No. 14-019, entitled: RESOLUTION AUTHORIZING APPLICATIONS FOR STATE FUNDING FOR RECYCLING, CLEANUP AND RESOURCE MANAGEMENT GRANTS (Multi-Year Resolution); and adopting Resolution No. 14-020, entitled: RESOLUTION AUTHORIZING SUBMITTAL OF REGIONAL GRANT APPLICATIONS FOR THE USED OIL COMPETITIVE GRANT PROGRAM (Multi-Year Resolution).

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

There being no further business, the Board adjourned at 11:13 a.m.

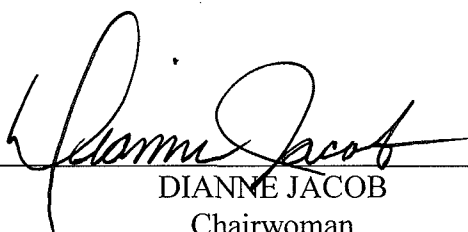
THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors
County of San Diego, State of California

Consent: Miller

Discussion: Panfil


NOTE: This Statement of Proceedings sets forth all actions taken by the County of San Diego Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors, on Wednesday, February 26, 2014.



DIANNE JACOB
Chairwoman

Attest:



THOMAS J. PASTUSZKA
Clerk of the Board

02/05/14